

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

John Doe

v.

Civil No. 15-cv-455-JL

Saint Anselm College

ORDER

The court held oral argument on defendant St. Anselm College's motion to dismiss pseudonymous plaintiff John Doe's complaint¹ on June 17, 2016. At the hearing, counsel for St. Anselm questioned the veracity of the plaintiff's allegation that "[d]uring the pendency of [his] case, St. Anselm was under investigation by the Department of Education Office of Civil Rights for its handling of sexual misconduct cases under Title IX" Compl. (document no. [1](#)) ¶ 143. On June 29, 2016, just as the court was about to issue its order on the motion to dismiss, Doe moved to withdraw paragraph 143 of his complaint, citing a misunderstanding on the part of his counsel as the basis for its inclusion.

During a telephone conference held on the record on July 1, 2016, the court and counsel for both parties discussed the basis for this allegation's inclusion in the complaint and plaintiff's request to withdraw it. Based on that conversation, the court

¹ Document no. [12](#).

GRANTS the plaintiff's motion to withdraw paragraph 143 of the complaint.² Plaintiff's counsel are further ordered to show cause:

- (1) Why pro hac vice status of Attorneys Diana R. Zborovsky and Andrew T. Miltenberg should not revoked; and
- (2) Why, in the absence of the withdrawn allegations, the complaint should not be dismissed for failure to state a claim.

Plaintiff's counsel shall file two separate memoranda, one addressing each issue, and neither to exceed 10 pages. On or before **July 8, 2016**, counsel for both parties shall confer and file a briefing schedule with the court that includes a deadline for plaintiff's filings and defendant's responses.

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: July 1, 2016

cc: Diana R. Zborovsky, Esq.
Andrew T. Miltenberg, Esq.
Carolyn K. Cole, Esq.
Donald L. Smith, Esq.

² Document no. [21](#).